

SENTENCING:

DATE/TIME: 9/8/2009 @ 3:00 pm

Pltfs. Attorney: William Schenck

Defts. Attorney: Peter Rosenwald

CASE CAPTION: USA v Eric Randall Barker

CASE NUMBER: 3:09-cr-011

Defendant appeared with Counsel.

Disposition DELAYED ____ days; ____ months.

Defendant remanded to the custody of the Attorney General/Bureau of Prisons of the United States for:

36 months on Count 1 : _____
consecutive/concurrent

Fined \$ 0 due to inability to satisfy, hardship on dependant and c/s ordered on Count 1 .

\$ 100.00 Special Assessment/Victims Crime Fund

Restitution in the amount of \$ _____.

 years/months on Count ; _____
consecutive/concurrent

Fine, Special Assessment and/or restitution to be paid immediately.

4 Years Supervised Release

Execution of sentence suspended. (in terms of months/years)

Defendant placed on probation for a period not to exceed ____ years

Conditions of Probation/Delayed Disposition.

Follow the rules and regulations of the Probation Department

Restitution and Special Assessment to be paid _____

100 hours of community service with an agency and on a schedule agreed upon by the Deft & the Probation Department over the first two yrs of Supervised Release.

Defendant must report to supervising agency within 72 hours of release from institution.

Defendant must not commit any crimes, either federal, state or local.

Defendant must not own, possess, use, or traffic in any firearm or dangerous weapon.

Defendant must not possess, use, or traffic in any controlled substance.

Defendant shall seek and maintain employment throughout the period of supervision.

Defendant must make himself available for substance abuse testing and or treatment if requested by supervising agency, testing at least once during the first 15 days of supervision and no fewer then twice thereafter.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

RECOMMENDATIONS TO BOP:

That the defendant be given credit for all allowable pre-sentence jail-time served.

The Court recommends that the defendant be made eligible for and enrolled in the 500 hour residential drug treatment program

That the defendant be designated to a facility as close to his home in the Dayton, Ohio area as possible, consistent with his security status.

OTHER: Counsel and defendant have reviewed the PSI. No objections. Counsel for the defendant made statement. Gov't made statement. Defendant made statement. Court Orders the Forfeiture of the following weapons seized from the residence of Mr. Barker: Bushmaster XM 15 rifle, serial number L366238, unloaded with two empty magazines, along with a scope and laser in a black soft case; Norinco SKS rifle, serial number 1758534, unloaded with three empty magazines, a scope and tripod in a black soft case; Essex Arms Model 1911 .45 caliber semi-automatic pistol, serial number 9038, unloaded with a Colt Arms slide and two empty magazines in a brown soft case; Essex Arms Model 1911.45 caliber semi-automatic pistol, serial number 32662, unloaded with two empty magazines in a brown soft case; Glock Model 36.45 caliber semi-automatic pistol, serial number DBF217US, unloaded with two empty magazines in a red plastic case; Mossberg Model 500 12 gauge shotgun, serial number 1332321, unloaded with two loaded magazines, one containing four live rounds of hollow point 9 mm ammunition on one containing five live rounds of the same in a green soft case; Glock Model 27 .40 caliber semi-automatic pistol, serial number HWA203, unloaded with two empty magazines in a black hard case; and Mossberg Model 500 12 gauge shotgun, serial number P137002, unloaded with extra barrel and three choke tubes in a black hard case.

 X Voluntary surrender
 Taken into custody
 X Defendant's rights of appeal explained and understood

COURT REPORTER: Debra Futrell CONVENED: 3:09 pm
DEPUTY CLERK: Cindy Fugate RECESSED: 3:30 pm